IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.2158 of 2004

Dated: 01-08-2007

Between:

B. K. Thimmanna Gowd, s/o B.K. Harichandra Gowd.

... Petitioner

and

1. State Transport Appellate Tribunal,
   Andhra Pradesh, Hyderabad,
   rep. by its Presiding Officer and 3 others.

... Respondents

ORDER:

Petitioner states that he made an application before second respondent – Regional Transport Authority, Kurnool (for short, 'RTA') for grant of stage carriage permit to ply on the town service route i.e. Yemmiganur RTC Bus-stand to Masumandoddi, however, the same was rejected by the said authority. Against the said order, dated 23-07-1997, he preferred an appeal, A.P.No.491 of 1997, before first respondent – State Transport Appellate Tribunal (for short, 'STAT') and the STAT considered the same and granted stage carriage permit. Accordingly, he was plying the bus in between the Yemmiganur RTC

Bus-stand to Masumandoddi. Questioning the said order passed by the STAT, fourth respondent – Andhra Pradesh State Road Transport Corporation (for short, 'APSRTC') filed W.P.No.5115 of 1999 and during the pendency of the said writ petition, the said route is modified and an extended route beyond Masumandoddi to B. Agraharam is given and thus petitioner was plying the bus in between Yemmiganur RTC Bus-stand to B. Agraharam. The APSRTC filed a revision questioning the said order passed by the RTA, extending the route from Masumandoddi to

B. Agraharam. In the meanwhile, the writ petition filed by the APSRTC, W.P.No.5115 of 1999, was allowed and the matter was remanded to the STAT, which in turn remanded the matter to the RTA. When the matter is pending thus, the revision filed by the APSRTC came up for hearing and in view of remanding the matter to the RTA by the STAT pursuant to the order passed by this Court in W.P.No.5115 of 1999, the STAT allowed the said revision on the ground that the matter itself is before the RTA and as such the question of extending route does not arise. The said order dated 10-10-2003 passed by the STAT is questioned in this writ petition.

2. Heard learned counsel for the parties.

3. No doubt, the view expressed by the STAT that when the very route itself is not in existence the question of extending route does not arise, is definitely correct, but at the same time, instead of allowing the revision, the STAT ought to have remanded the revision also to the RTA for fresh consideration. If the RTA reconsiders the issue and grants a stage carriage permit to petitioners to ply the bus in between Yemmiganur RTC Bus-stand to Masumandoddi, petitioners could have pleaded before the RTA for the extending route and hence, the

revision also is remanded to the original authority i.e. the RTA for reconsideration. As and when the stage carriage permit from Yemmiganur RTC Bus-stand to Masumandoddi is granted, the RTA may consider the revision also and pass appropriate orders.

4. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.01-08-2007
GLV